

Honorable James Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON, SEATTLE

UNITED STATES OF AMERICA,	)	
	)	No. CR19-117 JLR
Plaintiff,	)	
	)	DEFENSE REQUEST FOR
	)	REASONABLE NOTICE OF
v.	)	GOVERNMENT’S INTENDED
	)	USE OF ER 404(b) EVIDENCE
SHAWNA REID,	)	
	)	
Defendant.	)	
_____	)	

Defendant Shawna Reid, through undersigned counsel and pursuant to ER 404(b), requests that the government provide her with reasonable notice, in advance of trial, of the general nature of any and all evidence that the government will seek to introduce under that rule for any purpose.

**Argument**

In order to effectively prepare for trial the defense must understand the particular evidence, if any, that the government plans to present as “other crimes, wrongs, or acts” under ER 404(b). That rule explicitly requires the prosecution to provide reasonable notice in advance of trial of its intention to present 404(b) evidence, if the accused has requested the notice.

The policy behind 404(b) is "to reduce surprise and promote early resolution on

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the issue of admissibility." *United States v. Perez-Tosta*, 36 F.3d 1552, 1560 (11th Cir. 1994). In considering the reasonableness of pretrial notice under 404(b) the court should consider several factors: (1) when the government, through timely preparation for trial, could have learned of the availability of the evidence; (2) the extent of prejudice to the opponent of the evidence from a lack of time to prepare; and (3) the significance of the evidence to the prosecution's case. *Id.*

The government should specify now what it will seek to admit under ER 404(b) to facilitate proper preparation, allow the consideration of appropriate in limine motions, and lessen the risk of mistrial.

Dated this 17th day of June, 2021.

/s/ Michael Nance, WSBA #13933

/s/ Robert Gombiner, WSBA #16059

Defense Attorneys

**Certificate of Service**

I hereby certify that on the 17th day of June, 2021, I electronically filed the foregoing with the clerk of the court using the CM/ECF system. Notice of this filing will be sent electronically to counsel of record for other parties.

/s/ Michael Nance

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